REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 3-9 and 12-20 are now pending, wherein claim 1 is amended and claims 10 and 11 are canceled.

Claims 1 and 3-20 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of England et al. (US 6,330,670, hereinafter "England"), Ishii (US 5,768,389) and Wong et al. (US 5,957,985, hereinafter "Wong"). This ground of rejection is respectfully traversed.

Claim 1 is amended to include the elements of claims 10 and 11. Thus, claim 1 now requires that before the software is executed the software signature certificate and software are checked for integrity using particular public keys. The combination of England, Ishii and Wong does not disclose or suggest such integrity checks using the claimed public keys.

To reject the checking of the software certificate for integrity previously recited in claim 10 the Office Action cites column 8, line 66-column 9, line 3 of England as disclosing "all components digitally signed by a trusted third party" and column 8, lines 7-12 as disclosing "public/private usage for manufacturer".[1] Column 8, line 66-column 9, line 3 discusses that "all trusted ***operating system-level components*** are digitally signed".[2] England does not, however, disclose or suggest that a software signature certificate is an operating system-level component. Accordingly, this section of England does not disclose or suggest checking a ***software signature certificate*** for integrity. Column 8, lines 7-12

[1] Office Action at page 13.
[2] Emphasis added.

discusses a CPU manufacturer having public and private signing keys, but does not mention a software signature certificate or checking such a certificate with using the public key of a trust center.

To reject the checking of the software for integrity previously recited in claim 11 the Office Action cites column 11, lines 54-59 of England for the disclosure of "checks signature of a component before loading it; if signature valid then component has not been compromised" and column 8, lines 7-12 as disclosing "public/private key pair usage; checked for validity".[3] Although this is an accurate characterization of the cited portions of England, it still does not provide any disclosure of suggestion of using ***a public key contained in the software signature certificate*** to check the integrity of the software as required by claim 1. Indeed, there is no disclosure in England that the CPU certificate or any keys contained therein discussed in column 8, lines 7-12 of England are used for checking the integrity of software.

Ishii and Wong do not remedy the above-identified deficiencies of England with respect to amended claim 1. Accordingly, the combination of England, Ishii and Wong does not disclose or suggest the checking of a software signature certificate and signed software for integrity in the manner required by claim 1, and thus this combination cannot render claim 1 obvious.

Claims 3-6, 9, 12-18 are patentably distinguishable at least by virtue of their dependency.

[3] Office Action at page 13.

The combination of England, Ishii and Wong does not render claim 7 obvious because the combination does not disclose or suggest a control unit storing:

1. a clearing code site signature certificate,
2. a software signature certificate,
3. clearing code data and their signature; and
4. software and its signature.

The Office Action cites column 7, lines 50-54 of England for the disclosure of "storage of keys, certificates; manufacture equips the CPU with a pair of public and private keys that is unique to CPU; certificate contains public key".[4] Column 7, lines 50-54 only mentions that a CPU can be equipped with a pair of public and private keys, but does not mention any certificates, clearing code data or clearing code data signature. Moreover, there is nothing in any other portion of England disclosing or suggesting a CPU storing all four elements listed above that are required by claim 7. Ishii and Wong do not remedy this deficiency of England, and accordingly the combination cannot render claim 7 obvious.

The combination of England, Ishii and Wong does not render claim 19 obvious because the combination does not disclose or suggest a control unit that checks whether a software signature certificate and signed software has been changed or manipulated. The Office Action cites column 11, lines 54-59 of England for the disclosure "checks the signature of a component before loading it; if signature valid then component has not been compromised".[5] As previously

[4] Office Action at page 10.
[5] Office Action at pages 16 and 17.

discussed, checking ***software*** for manipulation does not disclose or suggest checking ***a software signature certificate*** for manipulation as required by claim 19. Accordingly, England does not disclose checking both a software signature certificate and signed software for a change or manipulation as required by claim 19. Ishii and Wong do not remedy this deficiency of England, and accordingly the combination cannot render claim 19 obvious.

Claim 20 is patentably distinguishable at least by virtue of its dependency from claim 19.

For at least those reasons stated above it is respectfully requested that the rejection of claims 1 and 3-20 be withdrawn.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323, Docket No. 080437.53236US.

Respectfully submitted,

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